

#### § 310.4

#### 32 CFR Ch. I (7–1–99 Edition)

*Routine use.* The disclosure of a record outside the Department of Defense for a use that is compatible with the purpose for which the information was collected and maintained by the Department of Defense. The routine use must be included in the published system notice for the system of records involved.

*Statistical record.* A record maintained only for statistical research or reporting purposes and not used in whole or in part in making determinations about specific individuals.

*System of records.* A group of records under the control of a DoD Component from which information is retrieved by the individual's name or by some identifying number, symbol, or other identifying particular assigned to the individual. System notices for all Privacy Act systems of records must be published in the FEDERAL REGISTER.

*Word processing system.* A combination of equipment employing automated technology, systematic procedures, and trained personnel for the primary purpose of manipulating human thoughts and verbal or written or graphic presentations intended to communicate verbally or visually with another individual.

*Word processing equipment.* Any combination of electronic hardware and computer software integrated in a variety of forms (firmware, programable software, handwiring, or similar equipment) that permits the processing of textual data. Generally, the equipment contains a device to receive information, a computer-like processor with various capabilities to manipulate the information, a storage medium, and an output device.

[51 FR 2364, Jan. 16, 1986. Redesignated at 56 FR 55631, Oct. 29, 1991, as amended at 62 FR 26389, May 14, 1997]

#### § 310.4 Policy.

(a) *General policy.* It is the policy of the Department of Defense to safeguard personal information contained in any system of records maintained by DoD Components and to make that information available to the individual to whom it pertains to the maximum extent practicable.

(b) *Permit individual access and amendment.* Individuals are permitted:

(1) To determine what records pertaining to them are being collected, maintained, used, or disseminated.

(2) To gain access to the information pertaining to them maintained in any system of records, and to correct or amend that information.

(3) To obtain an accounting of all disclosures of the information pertaining to them except when disclosures are made to:

(i) DoD personnel in the course of their official duties;

(ii) Under the "DoD Freedom of Information Act Program" (32 CFR part 286);

(iii) To another agency or to an instrumentality of any governmental jurisdiction within or under control of the United States for civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the DoD activity which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

(4) To appeal any refusal to grant access to or amend any record pertaining to them, and to file a statement of disagreement with the record in the event amendment is refused.

(c) *Limit collection, maintenance, use, and dissemination of personal information.* DoD Components are required:

(1) To collect, maintain, use, and disseminate personal information only when it is relevant and necessary to achieve a purpose required by statute or Executive Order.

(2) To collect personal information directly from the individual to whom it pertains to the greatest extent practical.

(3) To inform individuals who are asked to supply personal information for inclusion in any system of records:

(i) The authority for the solicitation;

(ii) Whether furnishing the information is mandatory or voluntary;

(iii) The intended uses of the information;

(iv) The routine disclosures of the information that may be made outside the Department of Defense; and

(v) The effect on the individual of not providing all or any part of the requested information.

## Office of the Secretary of Defense

## § 310.6

(4) To ensure that all records used in making determinations about individuals are accurate, relevant, timely, and complete.

(5) To make reasonable efforts to ensure that records containing personal information are accurate, relevant, timely, and complete for the purposes for which the record is being maintained before making them available to any recipients outside the Department of Defense, other than a federal agency, unless the disclosure is made under 32 CFR part 286.

(6) To keep no record that describes how individuals exercise their rights guaranteed by the First Amendment of the U.S. Constitution, unless expressly authorized by statute or by the individual to whom the records pertains, or the record is pertinent to and within the scope of an authorized law enforcement activity.

(7) To make reasonable efforts, when appropriate, to notify individuals whenever records pertaining to them are made available under compulsory legal process, if such process is a matter of public record.

(8) To establish safeguards to ensure the security of personal information and to protect this information from threats or hazards that might result in substantial harm, embarrassment, inconvenience, or unfairness to the individual.

(9) To establish rules of conduct for DoD personnel involved in the design, development, operation, or maintenance of any system of records and to train them in these rules of conduct.

(d) *Required public notice and publication.* DoD Components are required to publish in the FEDERAL REGISTER:

(1) A notice of the existence and character of every system of records maintained.

(2) A notice of the establishment of any new or revised system of records.

(3) At least 30 days before adoption, advance notice for public comment of any new or intended changes to the routine uses of the information in existing system of records including the categories of users and the purposes of such use.

(e) *Permit exempting eligible systems of records.* DoD Components may exempt from certain specific provisions of the

Privacy Act (5 U.S.C. 552a) eligible systems of records, but only when there is an important public purpose to be served and specific statutory for the exemption exists.

(f) *May require annual and other reports.* DoD Components shall furnish the Privacy Office that information required to complete any reports required by the Office of Management and Budget or other authorities.

### § 310.5 Organization.

(a) *Defense Privacy Board.* Membership of the board shall consist of the Executive Secretary and representatives designated by the Secretaries of the Military Departments; the Assistant Secretary of Defense (Comptroller) (whose designee shall serve as chairman); the Assistant Secretary of Defense (Force Management and Personnel); the General Counsel, Department of Defense; and the Director, Defense Logistics Agency;

(b) *The Defense Privacy Office.* The office shall consist of a Director, who shall also function as the Executive Secretary of the Defense Privacy Board, and his staff.

(c) *The Defense Privacy Board Legal Committee.* The committee shall be composed of a legal counsel from each of the DoD Components represented on the DoD Privacy Board. The legal counsels shall be appointed by the Executive Secretary in coordination with the Secretaries of the Military Department or the head of the appropriate DoD Components. Other DoD legal counsels may be appointed by the Executive Secretary, after coordination with the appropriate representative of the DoD Component concerned, to serve on the committee.

### § 310.6 Responsibilities.

(a) *The Assistant Secretary of Defense (Comptroller) (ASD(C)), or his designee, the Deputy Assistant Secretary of Defense (Administration) (DASD(A)), shall:*

(1) Direct and administer the DoD Privacy Program.

(2) Develop and maintain DoD Directive 5400.11 and DoD Regulation 5400.11-R (32d CFR part 310) consistent with DoD 5025.1-M and other guidance, to ensure timely and uniform implementation of the DoD Privacy Program.